

**RESOLUTION NO. 75372**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FREEWAY MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR STATE HIGHWAY 101 IN THE CITY OF SAN JOSE FROM SOUTH OF STORY ROAD TO NORTH OF CAPITOL EXPRESSWAY INCLUDING THE 101/TULLY ROAD INTERCHANGE**

**WHEREAS**, as part of the Proposition 1B/Corridor Mobility Improvement Account ("CMIA") program, the Santa Clara Valley Transportation Authority ("VTA"), in conjunction with the City of San José ("City") and California Department of Transportation ("Caltrans"), has developed a highway and interchange improvement project to relieve severe traffic congestion along State Highway 101 ("Hwy 101") and at the Tully Road interchange (the "Project"); and

**WHEREAS**, the freeway maintenance agreement is a standard agreement that establishes the responsibilities between the State and the City for the operation and maintenance of improvements within the State's right-of-way; and

**WHEREAS**, the Project is within the state-right-of-way and Caltrans' *Highway Design Manual* ("HDM") applies and requires 12-foot lanes and 8-foot shoulders on the Tully Road overcrossing; however, VTA and City design standards provides the flexibility for 11-foot lanes and 0-foot shoulders with wider sidewalks to encourage pedestrian use of the Tully Road overcrossing; and

**WHEREAS**, VTA designed the Tully Road overcrossing pursuant to VTA and City design standards of 11-foot lanes and 0-foot shoulders; and

**WHEREAS**, Caltrans will only support advancement of the Project if the City agrees to extend its indemnification of Caltrans to those two design features, 11-foot lanes and 0-foot shoulders, that are not in compliance with Caltrans' HDM; and

**WHEREAS**, the City desires to negotiate and execute an agreement with the California Department of Transportation for operation and maintenance of State Highway 101 in the City of San José from South of Story Road to North of Capitol Expressway including the 101/Tully Road interchange;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute a freeway maintenance agreement with the California Department of Transportation for State Highway 101 in the City of San José from South of Story Road to North of Capitol Expressway including the 101/ Tully Road interchange.

ADOPTED this 18<sup>th</sup> day of May, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



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CHUCK REED  
Mayor

ATTEST



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LEE PRICE, MMC  
City Clerk